

Chapter 5.20**AMBULANCE SERVICE**

(841-6/61; 1513-8/69; 1688-1/72; 1852-1/74; 2088-8/76, 2852-8/86)

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5.20.010 Intent and purpose. It is the intent of this Chapter to establish general operating procedures and standards for medical transportation services operating within the incorporated areas of this city in both emergency and other situations, to provide a fair and impartial means of allowing responsible private operators to provide such services in the public interest and to provide a means for the designation of emergency response areas. (2852-8/86)

5.20.020 Definitions. For purposes of this Chapter, the following terms are defined:

- (a) Advanced life support service and basic life support service mean the same as defined in the California Health and Safety Code.
- (b) Ambulance means a motor vehicle, helicopter, or similar vehicle, specifically constructed, modified, equipped, or arranged and operated for the purpose of transporting patients requiring immediate or ongoing medical services excluding the transportation of such persons to or from locations not providing services as defined in this Chapter.
- (c) Ambulance service means the activity, business or service, for hire, profit, or otherwise, of transporting one or more persons by ambulance; provided however, ambulance service shall not include the transportation by ambulance by an employer of his or her own employees in an ambulance owned and operated by the employer solely for this purpose.
- (d) Ambulance service operator means any person who operates or owns an ambulance service.
- (e) Attendant means a trained, qualified individual who, regardless of whether he or she also serves as driver, is responsible for the care of patients.
- (f) County means the county of Orange, state of California.
- (g) Department means the emergency medical services agency of the county of Orange or the Health Care Agency of the county of Orange, or as otherwise designated by the Board of Supervisors.

- (h) Dispatcher means an individual employed by an ambulance service operator responsible for sending an ambulance to provide ambulance service to a patient.
- (i) Driver means an attendant who drives or pilots an ambulance.
- (j) Emergency means a sudden, unforeseen event giving rise to a need for ambulance service with basic or advanced life support services.
- (k) Emergency response area means a geographical location specified by the Fire Chief within which emergency service may be provided under a license.
- (l) Emergency service means ambulance service performed in response to an emergency.
- (m) Fire chief means the Fire Chief of the city of Huntington Beach.
- (n) Health officer means the Orange County Health Officer or other official designated by the Board of Supervisors of Orange County to perform the Health Officer's functions under this Chapter.
- (o) Licensee means an ambulance service operator which has been granted a license under this Chapter to provide ambulance service.
- (p) Medical services means services provided by health care professionals licensed pursuant to the California Business and Professions Code or as specified by regulations adopted pursuant to this Chapter.
- (q) Paramedic means the same as defined in the California Health and Safety Code.
- (r) Patient means a wounded, injured, sick, invalid, or otherwise incapacitated person.
- (s) Person means any individual, firm, corporation, partnership, association, or other group or combination acting as a unit.
- (t) Physician means a medical doctor or osteopath holding the appropriate license or certificate to practice as such with the state of California pursuant to the Business and Professions Code.
- (u) Public safety agency means any public law enforcement agency, fire protection agency, or forest ranger operating in the county. (2852-8/86; 841-6/61)

5.20.030 License required.

- (a) It shall be unlawful for any person to be an ambulance service operator, or to act in such a capacity either directly or indirectly, without possession of a license issued pursuant to this Chapter.

A license may specify the specific geographical area within the county in which it is valid; provided, however, with respect to emergency response areas, reference to the emergency response area by a specific number or similar identification shall be sufficient description of geographic limitation. A license shall be valid for not more than one calendar year or the expiration of the calendar year in which it was issued, whichever is shorter.

- (b) The provisions of this Chapter shall not apply to:

- (1) Ambulances operated at the request of a public safety agency during any "state of war emergency," "state of emergency" or "local emergency," as defined in the Government Code.

- (2) Ambulance service transporting a patient from a location outside of Orange County regardless of destination.
- (3) Ambulance service transporting a patient by a fixed-wing airplane. (2852-8/86)

5.20.040 Transfer and term of license. No license issued pursuant to this Chapter can be transferred by operation of law or otherwise. The following shall be considered transfers for purposes of this section:

- (a) Any change in the business structure of a licensee, including, but not limited to, changes from or to:
 - (1) A sole proprietorship;
 - (2) A partnership, including any change in the partners; and
 - (3) A corporation, including any change in the shareholders, whether by operation of law or otherwise.
- (b) Bankruptcy, an assignment for the benefit of creditors, or the appointment of a receiver.
- (c) A sale or transfer of over 10 percent of the assets of a licensee.

A licensee may apply to the Health Officer for an amendment to the terms of the license, which request shall be processed in the same manner as an original application. Notwithstanding anything in this section to the contrary, licenses may be suspended, revoked, or terminated prior to the expiration date, pursuant to the provisions of this Chapter. (2852-8/86)

5.20.050 Applications.

- (a) Each application for a license shall be accompanied by an application fee, if any, set by the Board of Supervisors, and be made upon forms prescribed by the Health Officer.
- (b) Each applicant shall submit the following:
 - (1) The names and addresses of the applicant(s) and the owner(s) of the ambulance(s) and the business and any interest therein;
 - (2) The applicant's training and experience in the transportation and care of patients;
 - (3) The names under which the applicant has engaged, does, or proposes to engage in ambulance service;
 - (4) A description of each ambulance including the make, model, year of manufacture, vehicle identification number, current state license number, the length of time the vehicle has been in use, and the color scheme, insignia, name, monogram and other distinguishing characteristics of the vehicle, a description of the company's program for maintenance of the vehicle, and a description of the vehicle's radio(s);
 - (5) Proof that the applicant has obtained all licenses and permits required by state or local law or regulation for the type of ambulance service proposed, excluding only a license to provide the service for which application is made;
 - (6) The names and qualifications of each attendant, driver, or dispatcher employed, or to be employed, in providing ambulance service;

- (7) Proof that the applicant possesses and maintains currently valid California highway patrol inspection reports for each vehicle listed in the application;
 - (8) A description of the company's training and orientation programs for attendants, drivers and dispatchers;
 - (9) Evidence of such financial responsibility and insurance coverage as may be required by the Health Officer pursuant to regulations adopted in accordance with this Chapter;
 - (10) Identification of the geographical area to be served by the applicant, if required by the department;
 - (11) As to new applications or transfers as specified in section 5.20.040, a fingerprint receipt for each principal of the applicant, issued by the Orange County Sheriff-Coroner indicating each principal of the applicant has undergone a complete criminal history check, followed by a report from the Orange County Sheriff-Coroner showing no conviction of crimes which would be violations of the provisions of section 5.20.170(d) (2), (3), (4), (5), (6), and (7);
 - (12) A list of all substations or offices where equipment and personnel are, or will be based, including hours of operation; and
 - (13) A description of whether the service proposed by the applicant will include basic life support services or advanced life support service, and, if so:
 - (i) The number of basic life support service or advanced life support serve units to be deployed on each shift;
 - (ii) The emergency response area(s) to receive basic life support service or advance life support service; and
 - (iii) The provisions, if any, for continuing education of attendants.
 - (14) Such other information as the Health Officer may require in regulations adopted pursuant to this Chapter.
- (c) Renewal applications shall be submitted in the same form and require the same materials, as original applications except the requirement of (b)(11) hereof. (2852-8/86)

5.20.060 Investigations. Upon receipt of a completed application and the required fee, if any, the Health Officer shall make, or cause to be made such investigation, as the Health Officer deems necessary, to determine if:

- (a) The applicant is a responsible and proper person to conduct, operate or engage in the provision of ambulance services;
- (b) The applicant meets the requirements of this Chapter and of other applicable laws, ordinances or regulations. (2852-8/86)

5.20.070 Issuance or Denial of License.

- (a) The Health Officer shall issue a license to an applicant if the Health Officer, after completing any investigation required pursuant to this Chapter, determines all requirements of this Chapter have been met and the license fee, if any, set by the Board of Supervisors, has been paid.

- (b) In the event of denial, the applicant shall be informed in writing of the reasons therefor.
- (c) The licensee shall obtain and keep in force during the term of a license, comprehensive automobile liability insurance and professional liability insurance issued by a company authorized to do business in the state of California, acceptable to the Health Officer, insuring the owner against loss by reason of injury or damage that may result to persons or property from negligent operation or defective construction of such ambulance, or from violation of this Chapter or any other law of the state of California, or the United States. Said comprehensive automobile liability policy shall be in the sum of not less than \$500,000 for combined single limit, bodily injury and property damage. Said professional liability insurance shall be in the sum of not less than \$1,000,000 per person and \$1,000,000 annual aggregate. Workers' compensation insurance shall be carried covering all employees of the license holder. Before the Health Officer shall issue a license, copies of the policies, or certificates evidencing such policies, shall be filed with the Health Officer. All policies shall contain a provision requiring a thirty (30) day notice to be given to the department prior to cancellation, modification, or reduction in limits. The amount of comprehensive automobile liability insurance shall be subject to review and adjustment by the Health Officer pursuant to regulations adopted under this Chapter. In the use of helicopters the equivalent insurance requirements shall apply.
- (d) Grounds for denial of a license application shall be:
- (1) Failure to meet the requirements of any provisions of this Chapter.
 - (2) Violation by any principal of an applicant of Penal Code section 290;
 - (3) Habitual or excessive use of narcotics or dangerous drugs;
 - (4) Conviction during the preceding seven (7) years of any crime relating to the use, sale, possession or transportation of narcotics, additives or dangerous drugs;
 - (5) Habitual or excessive use of intoxicating beverages;
 - (6) Conviction during the preceding seven (7) years of any crime punishable as a felony in the state of California;
 - (7) Conviction of any crime involving moral turpitude, including fraud or intentional dishonesty for personal gain.
- (e) In determining the effect of any criminal acts on the issuance or denial of a license, the Health Officer shall consider whether the criminal acts are related to the activities of an ambulance service and shall evaluate the rehabilitations of the persons involved. The Health Officer shall not consider crimes of which the applicant is, or was, accused but not convicted. (2852-8/86)

5.20.080 License Suspension or revocation.

- (a) The Health Officer may suspend or revoke license for failure by the licensee to comply, and maintain compliance with, or for violation of, any applicable provisions, standards or requirements of state law or regulation, of this Chapter, or of any regulations promulgated hereunder. Suspension of a license is not a condition precedent to revocation of a license.
- (b) Before suspension or revocation, the Health Officer shall give written notice to the licensee. Said notice shall:
- (1) Specify the reasons for which the action is to be taken;

- (2) Set a hearing for not more than fifteen (15) days or less than seven (7) days after the date of the notice;
 - (3) Specify the date, time and place of the hearing; and
 - (4) Be served on the licensee either by delivery to its principal place of business or to its designated agent for service of such notices, if any.
- (c) If the licensee, subsequent to service of a suspension or revocation notice under this section, remedies some or all of the conditions to which the notice refers, the Health Officer may rescind a suspension or revocation at any time.
- (d) At the hearing, the Health Officer has the burden of proof and may present evidence as to why such action should be taken and to answer the evidence presented by the licensee.
- (e) The Health Officer may reduce the period of time for hearing under a suspension or revocation notice to no less than twenty-four (24) hours when the Health Officer makes written preliminary findings that such action is necessary to protect the public health, safety and welfare. When, as a result of such an emergency proceeding, a license is suspended or revoked, the licensee may request an additional hearing at which the licensee will have the burden of establishing renewed compliance justifying reinstatement of the license. Such additional hearing will be commenced within five (5) days of the licensee's request. The request for, and the scheduling of, an additional hearing shall not stay operation of the suspension or revocation order.
- (f) Hearings conducted pursuant to this section shall be conducted before a Hearing Officer designated by the department. At the conclusion of said hearing, the Hearing Officer shall expeditiously prepare a written summary of the evidence and proposed findings and conclusions for consideration by the Health Care Agency Director.
- (g) The Health Care Agency Director shall issue a written decision within thirty (30) days after conclusion of the hearing. (2852-8/86)

5.20.090 Appeal to Board of Supervisors. In the event of denial, suspension, or revocation of a license, the applicant or licensee shall have the right to request a hearing before the Board of Supervisors, which hearing shall be requested and conducted in the manner specified in section 5-2-19 of the Codified Ordinances of Orange County. (2852-8/86)

5.20.100 Notification. The licensee shall notify the Health Officer within twenty-four (24) hours after any change in ownership or management of the licensee, or any interruption of service of more than twenty-four (24) hours duration, or any substantial change in staffing or equipment. For purposes of this section, the term "substantial change" shall be as defined by regulation adopted pursuant to this Chapter. (2852-8/86)

5.20.110 Personnel standards.

- (a) A licensee shall only employ personnel performing tasks described in this Chapter who comply with the requirements of this section.
- (b) Attendants shall be at least eighteen (18) year of age and trained and competent in the proper use of all equipment, and shall hold current "EMT 1A" certification in compliance with all state laws, rules and regulations. Additionally, each attendant shall hold a license from the Health Officer indicating compliance with this section. Applications for such licenses shall be in a form required by the Health Officer and shall be accompanied by the fee, if any, established therefor. All applicants for licenses as an attendant shall be subject to the same criminal history review as required for principals of ambulance companies, pursuant to this

Chapter, no less than once every four years. Certificates may be denied, suspended, or revoked in the same form and fashion as that specified for ambulance service licensees in this Chapter. Licenses shall be valid for two years from the date of issuance or certification as an Emergency Medical Technician-1A, whichever is less. Renewal of a license shall be in the same fashion as issuance of a new license.

- (c) Each licensee shall have at least one dispatcher. Emergency ambulance service licensees shall have a dispatcher on a twenty-four (24) hour-per-day basis and shall adequately train the dispatcher for radio operation and protocols and for the emergency response area(s) served before said dispatcher begins dispatching emergency calls. For purposes of this section, "adequate" training of a dispatcher shall be that which meets state standards, if any, or county requirements.
- (d) Ambulance drivers shall, in addition to the requirements of this Chapter for attendants, maintain an appropriate license issued by the California department of motor vehicles and, if applicable, the federal aviation administration. (2852-8/86)

5.20.120 Rates. No licensee shall charge more than those rates approved by the Board of Supervisors for emergency ambulance services. (2852-8/86)

5.20.130 Usage of ambulance service licensees.

- (a) The city shall contract with licensees on a competitive basis for provision of ambulance service in response to emergencies in each emergency response area. Said contracts shall provide for one primary contractor per emergency response area, with such other backup service by other emergency ambulance service providers as deemed necessary by the city. In awarding these contracts, the city shall consider the comparative value of competing proposals in the same fashion as would be the case were the city evaluating proposals from prospective service providers for other city activities, including consideration of:
 - (1) The quality of service to be provided;
 - (2) The level of service to be provided;
 - (3) The rates charged for services to be provided; and
 - (4) The cost, if any, to the city.
- (b) The Fire Chief shall administer the contracts for ambulance service awarded by the City Council under this section. The Fire Chief shall also prepare and keep current emergency response area lists specifying contract providers for each area. The Fire Chief shall include on the list for each emergency response area the provider which has entered into an ambulance service agreement with the city as the primary contractor as well as the emergency ambulance service provider(s) who will provide backup emergency ambulance service for that area.
- (c) In the event no proposals acceptable to the city under the provisions of this section are received for one or more emergency response areas, the city shall designate one or more licensees in that emergency response area to provide emergency ambulance services. From the date of such designation until a regular emergency ambulance service agreement is signed for the affected area(s), provision of emergency ambulance service shall be an express condition of the license and unreasonable or unjustified refusal of such calls shall be a violation of this Chapter.
- (d) No person shall provide ambulance service in response to, or as a result of, an emergency unless that person is a licensee specified in each instance by a physician or public safety agency. A licensee thus specified by a physician need not be a contractor selected pursuant

to this section. Any ambulance service operator receiving a request for emergency ambulance service from a source other than a public safety agency shall immediately, by telephone, notify a public safety agency, designated by regulation, of the request.

No licensee responding to an emergency shall transport a patient unless:

- (1) A paramedic is present at the location of the patient; or
- (2) A physician is present at the location of the patient and directs transportation in the absence of a paramedic; or
- (3) A safety-qualified employee of the Huntington Beach fire department, or an appropriate employee of a public safety agency, designated by regulation, directs transportation in the absence of a paramedic.

Unless otherwise directed by a physician present at the location of the patient, a licensee shall transport a patient pursuant to regulations adopted under section 5.20.140. (2852-8/86)

5.20.140 Rules and Regulations.

- (a) As to all sections of this Chapter except section 5.20.130, the Health Officer shall make such rules and regulations as may be necessary to implement this Chapter. Prior to adoption, proposed rules and regulations shall be submitted to the Orange County emergency medical care committee for comment.
- (b) As to section 5.20.130, the Fire Chief shall make such rules and regulations and as may be necessary to implement this Chapter. Prior to adoption, the Fire Chief's rules and regulations shall be submitted to the Orange County emergency medical care committee for comment.
- (c) The Health Officer or the Fire Chief or their designee(s) may inspect the records, facilities, transportation units, equipment and method of operations of each licensee whenever necessary and, by the Health Officer, at least annually. (2852-8/86)

5.20.150 Complaints. The department, any user, subscriber, public safety agency or consumer who believes, or has reason to believe, that he or another party has been required to pay an excessive charge for services, received inadequate services, or services provided were not in compliance with the provision of this Chapter, may file a written complaint with the department setting forth such allegations. The department shall notify the ambulance service operator of such complaint. The ambulance service operator shall file a written response within fifteen (15) calendar days after receipt of notification. (2852-8/86)

5.20.160 Variance. As to all but section 5.20.130, the Health Officer may grant variances from the terms of this Chapter if he finds such action is necessary to protect the public health, safety or welfare. As to section 5.20.130, the Fire Chief may grant variances from the terms of this Chapter if he finds such action is necessary to protect the public health, safety or welfare. As to the Health Officer, such variances may include the issuance of a temporary license. No variance shall exceed one hundred eighty (180) days in duration. (2852-8/86)

5.20.170 Violation. Violation of any provision of this Chapter by an ambulance service operator shall be a MISDEMEANOR. (2852-8/86)